

BID OPENING
CITY OF SAN JOSE
OFFICE OF THE CITY CLERK

RECEIVED
City Clerk San Jose City Clerk
Time Stamp
2009 APR -7 P 2:53

BASE BID 7,558,420.

ALT NO. 1 103,252.

ALT NO. 2 135,831.

ALT NO. 3 92,037.

ALT NO. 4 26,096.

ALT NO. 5 12,782.

TOTAL BID _____

BID DATE: Tuesday, April 7, 2009

Project Manager: Steve Blum – 535-8350

EDUCATIONAL PARK BRANCH LIBRARY

BIDDER'S NAME: HOWARD S. WRIGHT CONSTRUCTORS

Bond ☒ Cashier's Check _____

1. ADDENDUMS INCLUDED

YES ☒ NO _____

NON-COLLUSION AFFIDAVIT

YES ☒ NO _____

2.-5. ✓

EDUCATIONAL PARK BRANCH LIBRARY

BID DOCUMENTS

Proposal to the City of San Jose

Non-collusion Affidavit

Bidder's Bond

List of Subcontractors

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PROPOSAL TO CITY OF SAN JOSE

FOR EDUCATIONAL PARK BRANCH LIBRARY

Name of Bidder: Howard S. Wright Constructors, LP

The representations herein are made under penalty of perjury.

To: The City of San Jose, State of California

The undersigned, as bidder, declares that the only person or parties interested in this proposal as principals are those named herein that this proposal is made without collusion with any other person, firm or corporation; that the bidder has thoroughly read and examined and has full knowledge of and understands all the provisions and contents of this proposal and the documents which must be attached hereto, the Plans approved by the Director of Public Works **February 17, 2009**, entitled **EDUCATIONAL PARK BRANCH LIBRARY** and the Specifications approved by the Director of Public Works on Works **February 17, 2009**, entitled **EDUCATIONAL PARK BRANCH LIBRARY** on file in the office of the Director of Public Works of the City of San Jose in City Hall, San Jose, California; that the bidder has thoroughly examined said Plans and Specifications which are on file in the office of the Director of Public Works, and that the bidder has full knowledge of and understands said Plans and Specifications and the requirements thereof; and that the bidder has further read and understands, and has knowledge of the contents of any and all addenda to said Plans and Specifications on file; and that the bidder proposes and agrees, if this proposal is accepted, that the bidder will contract with the City of San Jose, in the form of the copy of the contract on file in the office of the Director of Public Works, to do all the work and furnish all materials specified or referred to in the contract, in the manner and time therein prescribed, and according to the requirements of the City or Director of Public Works as therein set forth, to furnish the contract, bonds and insurance specified in the Specifications, and to do all other things required of the Contractor by the contract; and will take in full payment therefore the following price or unit prices as shown in THIS Proposal to the CITY OF SAN JOSE.

If the bidder or other interested persons is a corporation, state legal name of corporation, also names of the President, Secretary, Treasurer, and the Manager thereof; if a partnership, state the name of the partnership, if one exists, also the names of all the partners comprising the partnership; if any of the partners are individuals, state the first and last name of every individual in full, if any of the partners are corporations, state for each such corporation, the information required above of corporations; if any of the partners are partnerships, state for each such partnership the information required above of partners; if the bidder or other interested person is a joint-venture, state the name of the joint venture, also names of all joint venture partners comprising the joint venture; if any of the joint venture partners are individuals, state the first and last name of every individual comprising the joint venture; if any of the joint venture partners are corporations, state for each corporation the information required above of corporations; if any of the joint venture partners are partnerships, state for each such partnership, the information required above of partners; if bidder or other interested persons is an individual, state first and last names in full.

If bidder is an individual, the bidder's signature shall be placed below; if bidder is an individual, doing business under a fictitious name, the name of the individual followed by the words ☐ doing business under (insert the fictitious name) ☐ shall be set forth above, together with the signature of the individual; if bidder is a corporation, the legal name of the corporation shall be set forth above, together with the signature of the officer or officers of the corporation, authorized to sign contracts on behalf of the corporation, the corporate title; that is Vice-President, Secretary, etc., should be placed below the name of the officer and the corporate seal affixed; if bidder is a partnership, the legal name of the partnership, if one exists, shall be set forth above, together with the signature of the partner or partners authorized to sign contracts on behalf of the partnership; if any of the partners are corporations, execution for such partners shall be accomplished (cont. on page 2 of 3)

DESCRIPTION OF WORK:

Furnish all necessary labor, materials, equipment and incidentals to complete the work, as described in the plans and Specifications for this project.

BID ITEM:

For the EDUCATIONAL PARK BRANCH LIBRARY⁽¹⁻⁴⁾

**TOTAL BID PRICE
FOR EACH ITEM**
(in figures):

Project Description: All work described for the construction of a 18,038sf One Story facility known as the Educational Park Branch Library Project as noted in the project manual and drawings, including allowances described below

Allowance 1: Utility connections fees.	\$150,000
Allowance 2: SWPPP requirements	25,000
Allowance 3: Special Inspection for Structural and Soil certification	150,000
Allowance 4: Street Lighting	60,000

Total Allowances: \$325,000

TOTAL BASE BID The amount of the Total Base bid set forth here includes each of the above Allowances (no exceptions):

\$ 7,558,428.00
Base Bid:

BID ADD ALTERNATES: ⁽¹⁾⁽²⁾

1. Alternate 1: Slate Veneer at Exterior Walls

Add #1: \$ 103,252.00

2. Alternate 2: Linear Wood Ceiling

Add #2: \$ 135,831.00

3. Alternate 3: Linear Wood Soffit

Add #3: \$ 92,037.00

4. Alternate 4: Level 5 Gypsum Board finish

Add #4: \$ 26,096.00

5. Alternate 5: Steel Tube Fencing in lieu of Chain Link

Add #5: \$ 12,782.00

NOTES:

- (1) Bid Alternates prices are to include the Contractor General Conditions, Project and Overhead, bonding and related costs specified to the scopes of work for each individual Alternate.
- (2) Refer to **Specification Section 01230** for additional information for each "Alternate" alternate work.
- (3) See the Special Provisions Section in this project manual for descriptions of "Award of Contract".
- (4) Base bid value amount is to include the Allowance value as indicated in **Specification Section 01210**, "Allowances".

(cont. from page 1 of 3) in accordance with the requirements set forth above for partnership; if bidder is a joint-venture, the legal name of the joint venture, if one exists, shall be set forth above for partnerships. If signature is by an agent other than an officer of a corporation, or member of a partnership or a joint venture, a Power of Attorney must be on file with the City Clerk prior to opening bids or submitted with the bid; otherwise, the bid may, at the City's option, be disregarded as non-responsive.

If this proposal shall be accepted and the undersigned shall fail to contract, and to give the Contractor's Bond For Faithful Performance and the Contractor's Payment Bond required by the specifications and contract and by law, and to provide all insurance as required by said contract, within eight (8) days after the bidder has received notice from the City of San Jose, the City may, at its option, determine that the bidder has abandoned his/her contract, and thereupon this proposal and the acceptance thereof shall be null and void, and the forfeiture of such security accompanying this proposal shall operate and the same shall be the property of the City of San Jose.

In accordance with Public Contract Code Section 10232, the Contractor, hereby states under penalty of perjury, that no more than one final non-appealable finding on contempt of court by a federal court has been issued against the Contractor within the immediately preceding two year period because of the Contractor's failure to comply with an order of a federal court which orders the Contractor to comply with an order of the National Labor Relations Board. Signing this Proposal on the signature portion thereof shall constitute signature of this Statement.

Accompanying this proposal are the following documents completely filled in by the bidder and the same are incorporated herein by reference;

1. Cash, a cashier's check or a certified check made payable to City, or a bidder's bond executed by an admitted surety insurer naming the City as beneficiary, in an amount equal to at least ten percent (10%) of the total amount bid including all alternatives.
2. A list of subcontractors for work over one half of one percent, if any, the address of each subcontractor and the description of work to be done by each subcontractor.
3. A statement of financial responsibility, technical ability, and experience if such information is not already on file with the City.

City may at its option, request additional supplemental information after bid opening.

Bidder understands that the City reserves the right to reject any or all bids and to waive any informalities in the bidding.

The undersigned, as bidder, declares that in listing subcontractors in this bid, I have not discriminated or given any preference to any firm based on race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, or national origin. I understand that any such discrimination or preference is in violation of Chapter 4.08 of the Municipal Code.

Execution of the Non-Collusion Affidavit constitutes execution of this Bid Proposal including the above statement of nondiscrimination and, with the exception of the Bidder's Bond or Addenda, if any, no other signatures will be required.

NONCOLLUSION AFFIDAVIT

Project Title: EDUCATIONAL PARK BRANCH LIBRARY being first duly

print name
Scott Lee

sworn, deposes and says that

he/she is the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the bidder has not in any manner, directly or indirectly, sought by agreement, communication or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof the effectuate a collusive or sham bid.

In accordance with Title 23, United States Code, Section 112, the bidder hereby states, under penalty of perjury, that he/she has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in connection with this contract. Bidders are cautioned that making a false certification may subject certifier to criminal prosecution.

The undersigned declares under penalty of perjury that the information contained in this proposal and all accompanying documents are true and correct.

Executed on

April 7th, 2009

Legal Company Name

Howard S. Wright Constructors, LP

Indicate Type of Entity: Sole Proprietorship,
Partnership (General/Limited Partners),
Corporation, Joint Venture, etc.

By: Scott Lee

Title: Regional Manager, V.P.

City Business Lic. No.: 4312122210

Expiration

Date: 1/15/2010

State Contractor Lic. No. 860938

Classification: B

Expiration Date: June 30th, 2009

Federal I. D. No.:

Address: 5858 Horton Street Suite 170
Emeryville, CA 94608

Telephone: (510) 903-2054

NOTARY

On 4.7.09

before me, Michelle L. Sullivan - Notary, personally appeared

(name and title of officer)

Scott Lee, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under the PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

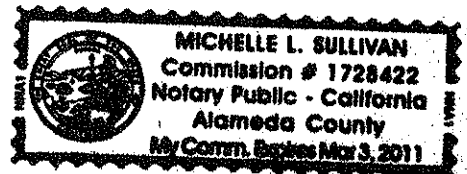
WITNESS my hand and official seal, subscribed and sworn to before me.

Signature

Notary Public

(Seal)

Page 3 of 3



BIDDER'S BOND

KNOW ALL PERSONS BY THESE PRESENTS:

That we, Howard S. Wright Constructors, LP as PRINCIPAL,
and Fidelity and Deposit Company of Maryland, a corporation duly organized under the
laws of the State of Maryland and duly licensed to become sole surety on bonds
required or authorized by the State of California, as SURETY, are held and firmly bound unto the
City of San Jose (hereinafter called the "City"), in the penal sum of TEN PERCENT (10%) OF THE
TOTAL AMOUNT OF THE BID of the Principal above named, submitted by said Principal to the
City of San Jose, for the work described below; for the payment of which sum in lawful money of
the United States, well and truly to be made, we bind ourselves, our heirs, executors, administrators
and successors, jointly and severally, firmly by these presents. In no case shall the liability of the
Surety hereunder exceed the sum of Ten Percent (10%) of Total Bid Amount

DOLLARS

(\$ 10% ----).

THE CONDITION OF THIS OBLIGATION IS SUCH,

That whereas the Principal has submitted the above mentioned bid to the City of San Jose, for
certain construction specifically described as follows, for which bids are to be opened in the Office
of the City Clerk Office, CITY OF SAN JOSE, City Hall, 200 E. Santa Clara St., Wing, 2nd floor,
San Jose, CA 95113 on April 7, 2009 for EDUCATIONAL PARK BRANCH LIBRARY.

NOW, THEREFORE, if the aforesaid Principal is awarded the contract and, within the time
and manner required under the specifications, after the prescribed forms are presented to Principal
for signature, enters into a written contract, in the prescribed forms, in accordance with the bid, and
files a Faithful Performance Bond and a Contractor's Payment Bond, and files the required insurance
policies with the City, all as required by the specifications and the contract or by law, then the
obligation shall be null and void; otherwise it shall be and remain in full force and effect.

The Surety, for value received, hereby stipulates and agrees that the obligation of said Surety
and its bond shall be in no way impaired or affected by any extension of the time within which the
Owner may accept such Bid; and said Surety does hereby waive notice of any such extension.

In the event suit is brought upon this bond by the Obligee and judgement is recovered, the
Surety shall pay all costs incurred by the Obligee in such suit, including a reasonable attorney's fee to
be fixed by the court.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 7th
day of April, 20 09.

PRINCIPAL

SURETY

Howard S. Wright Constructors, LP

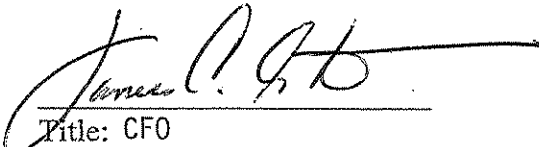
Fidelity and Deposit Company of Maryland

Legal Company Name

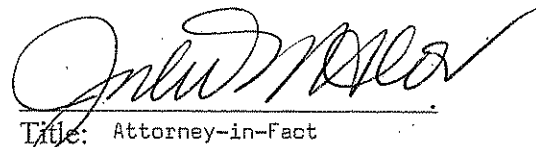
Legal Company Name

A WA Limited Partnership
Indicate Type of Entity

By


Title: CFO
James C. Constance

By


Title: Attorney-in-Fact
Julie M. Glover

By

Title:

By

Title:

(Affix Corporate Seals)

(Attach Acknowledgments of both Principal and Surety signatures)



Howard S. Wright
Constructors

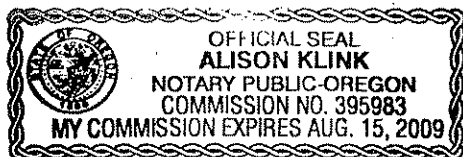
ALL PURPOSE ACKNOWLEDGEMENT

State of Oregon

County of Multnomah

I certify that I know or have satisfactory evidence that James C. Constance is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it is as the Chief Financial Officer of Howard S. Wright Constructors, LP to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

(Notary Seal)



Dated: April 7, 2009

Signature: Alison Klink

Title: Receptionist

My Appointment Expires: 8/15/09

ATTORNEY-IN-FACT ACKNOWLEDGEMENT

STATE OF Washington)
) ss:
COUNTY OF King)

On this 7th day of April, 2009, before me,

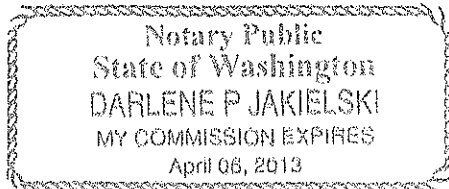
the undersigned, a Notary Public in and for the said State, personally appeared

Julie M. Glover, known to me to be

the Attorney-In-Fact for Fidelity and Deposit Company of Maryland, whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same.



NOTARY PUBLIC Darlene P. Jakielski



My commission expires April 6, 2013

**Power of Attorney
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, does hereby nominate, constitute and appoint **Nancy J. OSBORNE, Darlene JAKIELSKI, Julie M. GLOVER and Theresa A. LAMB, all of Bothell, Washington, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Nancy J. OSBORNE, Darlene JAKIELSKI, Julie M. GLOVER, Viki BAUM, Theresa A. LAMB, dated February 14, 2006.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 23rd day of May, A.D. 2007.

ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND



Gregory E. Murray

By:

Frank E. Martin Jr.

Gregory E. Murray Assistant Secretary

Frank E. Martin Jr.

Vice President

State of Maryland }
City of Baltimore } ss:

On this 23rd day of May, A.D. 2007, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



Dennis R. Hayden

Dennis R. Hayden

Notary Public

My Commission Expires: February 1, 2009

EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertaking, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,...and to affix the seal of the Company thereto."

CERTIFICATE

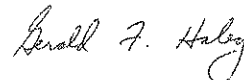
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 7th day of April, 2009.



Assistant Secretary

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LIST OF SUBCONTRACTORS

Designation of Subcontractors shall be as required in Section 2-1.15A of the City of San Jose Standard Specifications, July 1992.

BIDDER (GENERAL CONTRACTOR): Howard S. Wright Constructors, LP (page 1)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION OF WORK
Joseph J. Albanese	Santa Clara, Ca	Earthwork
Giacalone	Gilroy, . Ca	Landscaping, Irrigation & Planting
Joseph J. Albanese	Santa Clara, Ca	Concrete Work
Elmers	Sacramento, Ca	Structural Steel
Allied	Vacaville, Ca	Rough Carpentry
Woodworking Specialties	Fresno, Ca	Finish Carpentry / Cabinets
		Waterproofing
		Doors & Frames
Rose Glass	Manteca, Ca	Storefront System
American Alfa	Antelope, Ca	Cement Plaster
Custom Drywall	Milpitas, Ca	Gypsum Board
International	San Jose, Ca	Tile
Western Acoustics	San Francisco, Ca	Acoustical Ceilings
Harry Murphy	San Jose, Ca	Flooring
		Painting
		Audio/Video
		Roller Shades
		HVAC

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): Howard S. Wright Constructors, LP (page 2)

NAME OF SUBCONTRACTOR	LOCATION OF PLACE OF BUSINESS	PORTION OF WORK
AM West	San Francisco, Ca	Plumbing / Fire
Dyna	San Francisco, Ca	Electrical
		Identifying Devices
Tri Valley	Sunnyvale, Ca	Site Utilities
G.S.L.	Livermore, Ca	Site Concrete
Kodiak	Lincoln, Ca	Metal Panels
Kings	Patterson, Ca	Roofing
Ellis & Ellis	Sacramento, Ca	Signage
Precision Tile	Mountain View, Ca	Natural Stone
Ross McDonald	Livermore, Ca	Library Stack System
Aqua Matic	Pittsburg, Ca	Fire Protection

LIST OF SUBCONTRACTORS (Cont.)

BIDDER (GENERAL CONTRACTOR): Howard S. Wright Constructors, LP (page 3)

[illegible]

STATEMENT OF BIDDER'S EXPERIENCE

BIDDER (GENERAL CONTRACTOR): Howard S. Wright Constructors, LP

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. (Contractor may Include Company own Bidders' Experience sheet instead).

<u>PROJECT NAME</u>	<u>AGENCY/ENTITY</u>	<u>CONTRACTAMOUNT</u>
Donna and John Cream Mariners Branch Library	City of Newport Beach	\$5,500,000
FVRL New Main Library	Ft. Vancouver Regional Library	\$23,500,000
City of Hesperia Branch Library	City of Hesperia	\$5,120,685
ARC - Library Expansion	Los Rios Community College District	\$5,494,158
Lebanon Justice Center & Library	City of Lebanon	\$14,000,000
Chinook Middle School and Tyee High School	Highline School District	\$8,278,283
Bellefield Office Buildings	The Bellefield Company	\$9,000,000
55 Page Street	Heller-Manus	\$21,100,000
Animo Oscar De La Hoya High School	Green Dot	\$18,000,000
Boomtown Hotel & Conference Center	Boomtown, Inc.	\$12,047,000
Center for Advanced Learning - Gresham/Barlow School District		\$6,004,640
Citrus Heights Community Center - City of Citrus Heights		\$10,035,225
Fisher Pavilion	City of Seattle	\$8,529,920
Freestone Family Recreation Center - Town of Gilbert		\$6,252,900
Jack London Square Site C	Ellis Partners	\$7,931,560
Jane Mears Junior High School - Anchorage School District		\$16,800,000

STATEMENT OF BIDDER'S EXPERIENCE (Cont.)

BIDDER (GENERAL CONTRACTOR): Howard S. Wright Constructors, LP

The bidder is required to state below what work of similar magnitude or character the bidder has done, and to give reference that will enable the City Council to judge the bidder's experience, skill and business standing and of the bidder's ability to conduct the bidder's work as completely and as rapidly as required under the terms of the contract. **(Contractor may Include Company own Bidders' Experience sheet instead).**

AGENCY/ENTITY

CONTRACT AMOUNT

[illegible]



AIA[®] Document A305[™] – 1986

Contractor's Qualification Statement

The Undersigned certifies under oath that the information provided herein is true and sufficiently complete so as not to be misleading.

SUBMITTED TO: City of San Jose, Office of the City Clerk Office

ADDRESS: City Hall, 200 E. Santa Clara St., Wing, 2nd Floor, San Jose, CA 95113

SUBMITTED BY: Vinson Heine

NAME: Howard S. Wright Constructors, LP

ADDRESS: 5858 Horton Street, Suite 170, Emeryville, CA 94608

PRINCIPAL OFFICE:

☐ Corporation

☒ Partnership

☐ Individual

☐ Joint Venture

☐ Other

NAME OF PROJECT (if applicable Educational Park Branch Library

TYPE OF WORK (file separate form for each Classification of Work):

☒ General Construction

☐ HVAC

☐ Electrical

☐ Plumbing

☐ Other (please specify)

§ 1. ORGANIZATION

§ 1.1 How many years has your organization been in business as a Contractor? Howard S. Wright Constructors, LP, is a member of a group of affiliated companies that has been in the construction business since 1885.

§ 1.2 How many years has your organization been in business under its present business name? Since 2004.

§ 1.2.1 Under what other or former names has your organization operated?

Howard S. Wright Constructors, LP has not operated under any other name but as part of a group of affiliated companies including Howard S. Wright Construction Co., HSW Enterprises, and HSW Builders, LLC.

ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This form is approved and recommended by the American Institute of Architects (AIA) and The Associated General Contractors of America (AGC) for use in evaluating the qualifications of contractors. No endorsement of the submitting party or verification of the information is made by AIA or AGC.

§ 1.3 If your organization is a corporation, answer the following:

- § 1.3.1 Date of incorporation:
- § 1.3.2 State of incorporation:
- § 1.3.3 President's name:
- § 1.3.4 Vice-president's name(s):

§ 1.3.5 Secretary's name:

§ 1.3.6 Treasurer's name:

§ 1.4 If your organization is a partnership, answer the following:

- § 1.4.1 Date of organization: 12/7/04
- § 1.4.2 Type of partnership (if applicable): Limited Partnership
- § 1.4.3 Name(s) of general partner(s): HSW Management Company

See attached list of Officers.

§ 1.5 If your organization is individually owned, answer the following:

- § 1.5.1 Date of organization:
- § 1.5.2 Name of owner:

§ 1.6 If the form of your organization is other than those listed above, describe it and name the principals:

§ 2. LICENSING

§ 2.1 List jurisdictions and trade categories in which your organization is legally qualified to do business, and indicate registration or license numbers, if applicable.

Arizona	General Building Contractor (B)	ROC210904
Arizona	General Engineering (A)	ROC212945
California	General Building Contractor (B)	860938
California	General Engineering (A)	860938
Idaho	Contractor Registration	RCE 1989
Nevada	General Contractor (B)	0062957
Oregon	General Contractor (B)	164711
Utah	Contractor's License (B100)	7149077-5501
Washington	Construction Contractor General (B)	HOWARSW960R2

§ 2.2 List jurisdictions in which your organization's partnership or trade name is filed.

As listed above in 2.1, except in Nevada where we use the DBA "HSW Constructors".

§ 3. EXPERIENCE

§ 3.1 List the categories of work that your organization normally performs with its own forces.

Project Supervision and Administration; Safety Management; Surveying and Layout; Architectural and Structural Concrete Form Place and Finish; Materials Handling (Special Hoisting); Tilt-Up Construction; Precast Erection; Rough and Finish Carpentry, Doors, Frames and Hardware; Installation of Construction Specialties and Equipment.

§ 3.2 Claims and Suits. (If the answer to any of the questions below is yes, please attach details.)

§ 3.2.1 Has your organization ever failed to complete any work awarded to it?

No.

§ 3.2.2 Are there any judgments, claims, arbitration proceedings or suits pending or outstanding against your organization or its officers?

No.

§ 3.2.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years?

No.

§ 3.3 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If the answer is yes, please attach details.)

No.

§ 3.4 On a separate sheet, list major construction projects your organization has in progress, giving the name of project, owner, architect, contract amount, percent complete and scheduled completion date.

N/A

§ 3.4.1 State total worth of work in progress and under contract:

Howard S. Wright Constructors, LP, and its affiliated companies have over \$900M of work under contract.

§ 3.5 On a separate sheet, list the major projects your organization has completed in the past five years, giving the name of project, owner, architect, contract amount, date of completion and percentage of the cost of the work performed with your own forces.

N/A

§ 3.5.1 State average annual amount of construction work performed during the past five years:

Howard S. Wright Constructors, LP and its affiliated companies' average volume for the past five years is greater than \$600M.

§ 3.6 On a separate sheet, list the construction experience and present commitments of the key individuals of your organization.

List of key individuals is attached See Attached

§ 4. REFERENCES

§ 4.1 Trade References:

Tacoma Screw, 2001 Center Street, Tacoma, WA 98409, Phone 800-562-8192.
Cochran Electric, 12500 Aurora Avenue N., Seattle, WA 98133, Phone 206-361-7193.
Prime Electric, 13301 SE 26th Street, Bellevue, WA 98005, Phone 425-747-5200.
Hermanson Corp., 1221 Second Avenue, Kent, WA 98032, Phone 206-575-9700.

§ 4.2 Bank References:

Kathleen Johanson, U.S. Bank, 1420 Fifth Avenue, Suite 1100, Seattle, WA 98101.
Phone 206-587-5223.
Fax 206-344-2887.

§ 4.3 Surety:

§ 4.3.1 Name of bonding company:

Fidelity and Deposit Company of Maryland (Zurich)

§ 4.3.2 Name and address of agent:

Mike Murphy, Phone 425-489-4519.
HUB International Northwest, LLC, PO Box 3018, Bothell, WA 98041-3018

§ 5. FINANCING

§ 5.1 Financial Statement.

§ 5.1.1 Attach a financial statement, preferably audited, including your organization's latest balance sheet and income statement showing the following items:

Our Financials are available upon request

Current Assets (e.g., cash, joint venture accounts, accounts receivable, notes receivable, accrued income, deposits, materials inventory and prepaid expenses);

Net Fixed Assets;

Other Assets;

Current Liabilities (e.g., accounts payable, notes payable, accrued expenses, provision for income taxes, advances, accrued salaries and accrued payroll taxes);

Other Liabilities (e.g., capital, capital stock, authorized and outstanding shares par values, earned surplus and retained earnings).

§ 5.1.2 Name and address of firm preparing attached financial statement, and date thereof:

§ 5.1.3 Is the attached financial statement for the identical organization named on page one?

Yes

§ 5.1.4 If not, explain the relationship and financial responsibility of the organization whose financial statement is provided (e.g., parent-subsiary).

§ 5.2 Will the organization whose financial statement is attached act as guarantor of the contract for construction?

N/A

§ 6. SIGNATURE

§ 6.1 Dated at this ~~26~~ day of ~~March~~ 2009 April 7th, 2009

Name of Organization: Howard S. Wright Constructors, LP

By:

Title: VICE PRESIDENT

§ 6.2

M being duly sworn deposes and says that the information provided herein is true and sufficiently complete so as not to be misleading.

Subscribed and sworn before me this day of

Notary Public:

My Commission Expires:



Howard S. Wright Constructors, LP
Executive Officers
January 2009

MAILING ADDRESS: PO BOX 34449 SEATTLE, WA 98124	PHONE: 206-447-7686 FACSIMILE: 206-447-7688
James Charles Constance Chief Financial Officer & Treasurer	Dale Gordon Pellow Chief Operating Officer
Stephen Gerard Mara President - Washington	Richard Walker Vice President/Secretary
Mitchell E. Hornecker Assistant Secretary	John Edward Bullwinkel Vice President
Margaret A. Amo Vice President	Stephen J. Hulston Vice President
Joseph E. Martino Vice President	Frank Wren Pierson Vice President
James C. Cardin Vice President	Stephen Michael Boscardin Vice President
Scott R. Lee Vice President	Donald Douglas Trainor Vice President

March 10, 2009

**ADDENDUM NO. 1
FOR THE
EDUCATIONAL PARK BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **EDUCATIONAL PARK BRANCH LIBRARY PROJECT**.

GENERAL:

Please find attached Addenda No. 1 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11", and full-size sheets. A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

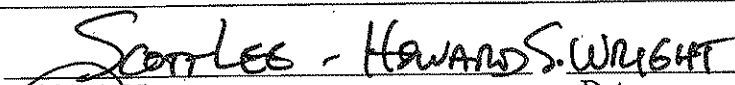

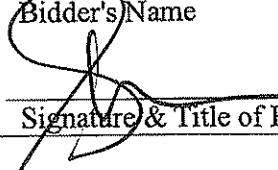
In addition, included in this addendum is the Agenda and Sign-in Sheet from the non-mandatory, Pre-Bid Meeting held on March 4, 2009.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET ONLY with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katherine Jensen
Division Manager
City Facilities Architectural Services

	
Bidder's Name	Date
	VICE PRESIDENT
Signature & Title of Bidder	

March 20, 2009

**ADDENDUM NO. 2
FOR THE
EDUCATIONAL PARK BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **EDUCATIONAL PARK BRANCH LIBRARY PROJECT**.


GENERAL:

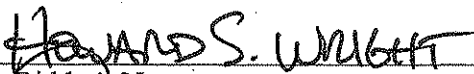

Please find attached Addenda No. 2 with modified Project Manual and Drawings. Drawings are issued in sketch form, 8 1/2" x 11", and full-size sheets. A complete listing of all modified Project Manual and Drawings sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET ONLY with the bid. **Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.**

APPROVED BY:

for 
Katy Allen
Director
Public Works Department

 Bidder's Name	<u>2 APR 09</u> Date
 <u>SCOTT LEE VICE PRESIDENT</u> Signature & Title of Bidder	

March 25, 2009

**ADDENDUM NO. 3
FOR THE
EDUCATIONAL PARK BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **EDUCATIONAL PARK BRANCH LIBRARY PROJECT**.

GENERAL:


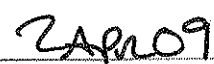

Addenda No. 3 - Bid Opening date is changed from March 26th to **Thursday, April 2, at 3pm**. Bid opening will be held in the City Clerk's office, San Jose City Hall, 200 East Santa Clara Street, Wing Second Floor, San Jose, CA. 95113. This letter modifies the Bid Documents, "Notice to Prospective Bidders", page 1, dated February 25, 2009, and "Notice to Contractors", page 7, where bid opening date is shown as March 26th, 2009. The dates are hereby changed to **April 2, 2009**. Documents not attached.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of **THIS SHEET ONLY** with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katy Allen
Director
Public Works Department

 Bidder's Name	 Date
 Signature & Title of Bidder	

March 27, 2009

**ADDENDUM NO. 4
FOR THE
EDUCATIONAL PARK BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **EDUCATIONAL PARK BRANCH LIBRARY PROJECT**.

GENERAL:

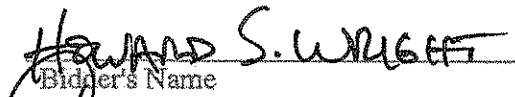
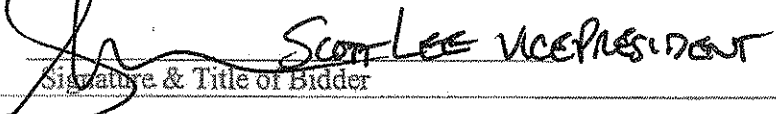
Please find attached Addenda No. 4 with changes to the Project Manual and Drawing pages and a memo clarifying the Geotechnical Report. Changes are issued on 8 ½ "x 11" sheets. A complete listing of all modified Project Manual sheets is included in the attached documentation.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET ONLY with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


for Katy Allen
Director
Public Works Department

 Bidder's Name	<u>2 Apr 09</u> Date
 Signature & Title of Bidder	

April 2, 2009

**ADDENDUM NO. 5
FOR THE
EDUCATIONAL PARK BRANCH LIBRARY**

Notice is hereby given that the following revisions, additions and/or deletions are hereby made of, and incorporated into plans and specifications for the **EDUCATIONAL PARK BRANCH LIBRARY PROJECT**.

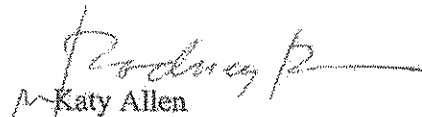
GENERAL:

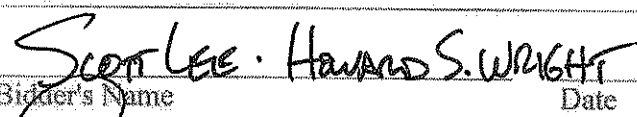
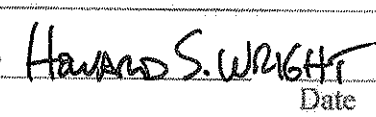

Addenda No. 5 - Bid Opening date is hereby changed from April 2nd to Tuesday, April 7, at 3pm. Bid opening will be held in the City Clerk's office, San Jose City Hall, 200 East Santa Clara Street, Wing Second Floor, San Jose, CA 95113. This letter supercedes Addendum #3 which changed the bid date from March 26th 2009 to April 2nd 2009 and revises the Bid Documents, "Notice to Prospective Bidders", page 1, dated February 25 2009, "Notice to Contractors", page 7, and the "Bidder's Bond", page 16, where bid opening dates are shown as March 26th, 2009. The dates are hereby changed to April 7, 2009. Documents are attached.

INSTRUCTIONS TO BIDDER:

The bidder must sign this addendum in the space provided below and return one signed copy of THIS SHEET ONLY with the bid. Failure to return this signed copy with the bid documents shall not relieve the bidder of the obligation to include this addendum with the bid proposal.

APPROVED BY:


Katy Allen
Director
Public Works Department

 Bidder's Name	 Date
 Signature & Title of Bidder	